Negotiation with North Eastern Ultras

2394. SHRI PARAG CHALIHA:
SHRI SHIV CHARAN SINGH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any other groups besides those of Nagaland ultras, belonging to the North Eastern Region in general and Assam in particular, have volunteered or have been persuaded to negotiate their demands etc. across the table;

(b) if so, the details thereof; and

(c) what have been the results of bilateral negotiations with the Naga ultras after cease-fire?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR): (a) No, Sir.

(b) Does not arise.

(c) The Prime Minister in a statement in both the Houses of Parliament on 25 July, 1997 has informed, interalia, that after his visit to Nagaland and other North Eastern States, Government's willingness to hold unconditional talks with the underground elements had been reiterated and that after talks with the Issac-Muivah group of the National Socialist Council of Nagaland, it has now been agreed to cease fire for 3 months with effect from 1st August, 1997 and embark upon political level discussions.

Committee to Reconsider TADA

2395. SHRI SANJAY DALMIA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have examined the recommendations of Committee Experts and the judgement given in the courts for reconsideration to replace TADA;

(b) if so, Government's reaction thereto;

(c) by when a legislation in this regard is likely to be introduced;

(d) whether courts have been finding it difficult to dispose of the cases due to lapses in TADA; and

(e) if so, the steps taken to dispose of the said cases?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR): (a) to (c) In erstwhile Terrorist & Disruptive Activities Act, 1987 whose constitutionality was upheld by the Hon'ble Supreme Court was allowed to lapse in May, 1995 because of the criticism that some of its provisions were allegedly misused. After detailed discussions with various State Governments and Leaders of Political Parties, Criminal Law Amendment Bill which sought to fill in the vaccum created by TADA was introduced in Rajya Sabha in May, 1995 and the same is pending in the House. The Bill broadly seeks to strike a balance between Human Rights concerns and the requirement to combat terrorism. Government would like to hold wider consultations on the various provisions of the above Bill before moving for its consideration by the Parliament.

(d) and (e) The Supreme Court in its judgement of February, 1996, categorised TADA detenus for grant of bail which had to be followed by Designated TADA courts. Lapse of erstwhile TADA does not create any difficulty in disposal of pending proceedings because of Saving Clause, Section 1(4) of the erstwhile TADA. Pending proceeding can be disposed off as if the Act had not Lapsed. However, no new case or proceeding can be instituted. Prosecution branches of all States/UTs have been instructed

not to seak unnecessary adjournments and to expedite the trial in pending cases.

Working of Burgers Memorial Girls' Hostel

2396. SHRI GOVINDRAM MIRI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether his Ministry has recently received some detailed complaints about the alleged bungling in use of grants, fake admission and exploitation of the students etc. relating to a minority educational institution of Bilaspur (M.P.) viz. Burgers Memorial Girls' Hostel;

(b) if so, the details thereof; and

(c) the action taken/contemplated thereon?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR): (a) to (c) The information is being collected and will be laid on the Table of the House.

Swatantra Sainik Samman Pension Scheme

2397. SHRI YERRA NARAYANASWAMY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have sanctioned pension under Swatantra Sainik Samman Pension Scheme 1980 to those who produced two co-prisoner and later on with only one co-prisoner certificate;

(b) if so, whether it is a fact that applicants were refused on account of delay as late as 1993; and

(c) whether Government have now decided to consider the applications for sanctioning pensions who submitted applications even in 1993 with one co-prisoner certificate and even if they have not produced any record from Pakistan?

THE MINISTER OF STATE IN THE MINSTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR): (a) Under the Swatantrata Sainik Samman Pension Scheme, 1980 pension is granted to those who claimed imprisonment/detention during the freedom struggle, on production of the following document(s):—

Certaificate from the concerned Jail authority, District Magistrate or the State Government, indicating period of sentence awarded, date of admission, date of release and reasons for release. In the absence of such certificates from official records, a Non-availability of Records Certificate (NARC) from the concerned authorities alongwith Co-prisoners' Certificates (CPC) as under:—

(i) Two Co-prisoners' Certificates from the freedom fighter pensioners who had a proven jail suffering of one year.

(ii) One Co-prisoners' Certificate from a sitting MP or MLA or from an ex-MP or an ex-MLA specifying his jail period and that of the applicant.

(b) Consequent to the judgement dated 14-5-1993 or the Hon'ble Supreme Court in the case of Mukund Lal Bhandari, the Central Government has been accepting the applications under the scheme without raising the plea that they are beyond the prescribed date. The sanction of pension would, however, be subject to the requisite proof in support of the claim.

(c) In the case of persons who produced jail certificates which mention their conviction and admission to the jail but were transferred within a few days to jails now in Pakistan, pension could be sanctioned on obtaining an affidavit from the freedom fighter that:—

(i) he underwent the imprisonment mentioned in the conviction (Name of jail etc. and period to be specified); and